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DEMOCRATIC TEXT BOOK.

15.

SLAVERY IN THE TERRITORIES.

A compilation from the leading authorities of the democratic party, showing what is meant by the doctrine of

NON-INTERVENTION.

The democratic party in the South betrayed and abandoned by their organs and leaders.

1st.

The policy of the leaders of the democratic party has been to preach up that the right of the slaveholder to take his property to the newly acquired territories of the U. S. was *an abstract question, practically of no moment.*

The following extracts from the Mississippian—the leading democratic journal in this State—an active Cass and Butler paper in the last presidential canvass—will attract the attention of every true friend of the South.

From the Mississippian, May 15, 1848.

"Gen. Dix deservedly ranks among the first men of this country: it may be said that the mantle of Van Buren and Wright has fallen upon him—and truly he is worthy to wear it. He is the greatest man of the greatest State in this Union, and we may as well here ask—*Why cannot the great man of New York be President?* But in relation to Gen. Dix, we feel at liberty to say that such is *our confidence* in his prudence, wisdom and patriotism, that there breathes not a man in this Union (nor would there were even the illustrious Wright alive) whom we would support with *more cheerfullness than we would him.*"

Now who is John A. Dix!—An out and out Wilmot-provisoist—an active "barnburner" in the State of New York—and the leading supporter last fall of Van Buren for the Presidency—one, upon whom the mantle of Van Buren's *opinions* has indeed fallen! Mr. Dix in the U. S. Senate took the ground that the introduction of slavery in territories where it did not exist before, should be prohibited by Congress during their territorial existence—"opposing all such extension of slavery, as of evil tendency in government, wrong in itself and repugnant to the humanity and civilization of the age."—See his speech in the Senate, June 26, 1848.

Extract from the Mississippian, May 19th, 1848.

"SENTIMENTS WORTHY OF RECORD."—We take the following from the Washington Union of the 4th inst. The determination manifested, and sentiments proclaimed are precisely our own. *Such sentiments as these controlled us in suggesting Gen. Dix as a suitable candidate of the Republican party for the Presidency.* For ourselves, our part is chosen.

"'In no manner directly or indirectly shall we interfere in, or seek to influence the nomination of the convention. *By that nomination, when it shall be made, we shall firmly abide; and no effort of ours shall be wanting to do our whole duty. If there be one or two collateral topics of recent origin and not belonging to the democratic creed, on which all of us may not harmonize, let their discussion in the convention be avoided as much as possible.*'

"On the purely abstract question of slavery in California, New Mexico or Oregon, we do not intend so far as we are concerned, to permit or countenance a division in the democratic party. No man is so great a fool as to suppose that the owner of slaves would think of carrying them into a country already inhabited by a mixed race, who do not consider the white man superior to the negro. Then the agitation of this question is foolish, and calculated only to destroy the Democratic party. Much has been achieved since the elevation of Gen. Jackson to the Presidency, and shall we now jeopardize *all* on a question entirely foreign to our politics! These *abstract discussions* on the subject of Slavery, are ridiculous in the extreme: they are conducted by bad men.

"New Mexico, California and Oregon are now settled by *freemen;* California and Oregon, each, at this time, contain several thousand free white persons; they labor for a livelihood. At the close of the present war with Mexico, a large number of volunteers, soldiers, traders, teamsters and other *attaches* of the army will be left within the territory, which we may acquire; these too will be generally *poor men* who must labor for a living. Is there a rational man, who considering these facts, independent of natural barriers which we might enumerate, is there, we ask, a rational man who could ask or expect these *free white* pioneers of newly acquired territory, to degrade their labor to the level of that of the sooty African. Oh, say

our would-be Southern hotspurs, who are eternally agitating this subject, just admit our abstract rights and we will be satisfied.' And in this they exhibit neither wisdom nor patriotism. They prove themselves to be agitators and factionists.—And shall we now be told, that the democratic party will put all its great and successful measures in jeopardy, merely to gratify a few factionists! We answer No, No! never shall this be said.

"*Neither Gen. Cass nor Mr. Buchanan oppose the Wilmot-proviso, because of its unconstitutionality,* but expressly on the ground that such a proviso is useless, as it will never interdict slavery where slavery can be, yet their letters meet a hearty response in the bosom of Southern democrats. Why then on an irrelavant issue—an abstraction—a fire-brand of factionists—shall Southern democrats countenance a controversy calculated to divide our Northern allies (abolitionists) who have so nobly aided us in the establishment of many great measures! *What a suicidal policy, and how unpatriotic?*"

The doctrine thus promulged by the Union, and endorsed and adopted by the Mississippian, is that the rights of the *South* in New Mexico and California are purely "abstract questions"—which ought not to be countenanced by the "democratic party." The soldiers of the South and their sons, those who have both fought and paid their money in acquiring the rich mines and fertile valleys of the Pacific Coast—"are fools" if they suppose *they* have any right to go there with their slaves!

This valuable country, according to the Mississippian, was acquired for the express benefit of our Northern allies, and the "mixed race, who do not consider the white man superior to the negro." Do not claim your rights—southern friends! "The agitation of this question is foolish?" Why! *It is "calculated to destroy the democratic party";* and the democratic party must not be put "in jeopardy," "*merely to gratify a few factionists*"—viz: the whole South.

We next invite attention to the opinions and present position of *the sole organ*—the great head of the Democratic church.

From the Washington Union of June 3rd, 1848:

"We plant ourselves upon the platform of the resolutions of the Baltimore Convention. We have all agreed upon those grounds. We can agree upon them again. But if, departing from this platform, we create *new issues upon which all cannot agree*—if the Northern Democrats stand upon the Wilmot Proviso, and the Southern Democrats are dividing and subdividing upon *abstractions*, how can we expect that union of effort which amounts to success? * * We are aware, indeed, that Mr. Calhoun is putting forth *another doctrine.* In a word, the republican party has both extremes to meet, the ultra Barnburners of New York and the *ultra-abstractionists* of South Carolina. The best practical—available—perhaps the only ground for adjusting the difficulty, is in a fair compromise between the two sections of our country. Such a spirit of compromise is presented in the *neutrality of the federal Government,* upon the subject, *as laid down in the noble resolutions of the Baltimore Convention and in the Tennessee (Nicholson) letter of Gen. Cass.*"

"Noble resolutions!"—Why the slavery part of the platform had been voted for in Congress by Giddings, Hale, Brinkerhoff, Rathbun, King, and other abolitionists, as may be seen by reference to House Journal, 1st Session, 28th Congress, *pp.* 476—430; the first clause having been adopted by a vote of 151 to 2, and the second by 128 to 23. So unmeaning was it regarded as to receive the support of ultra free-soilers and abolitionists.

But Gen. Cass has also endeavored to convince the country that your rights are all abstractions—because impossible to be carried out in the new Territories. In his Nicholson letter of December 24, 1847, he quotes and adopts the following language of James Buchanan, Mr. Polk's Secretary of State.

Views of Lewis Cass.

"In the able letter of Mr. Buchanan upon this subject, not long since given to the public, he presents similar considerations with great force. 'Neither,' says the distinguished writer, 'the soil, the climate, nor the productions of California, south of 36° 30', nor, indeed, of any portion of it north or south, is adapted to slave labor; and besides, every facility would be there afforded for the slave to escape from his master. Such property would be entirely insecure in any part of California. It is morally impossible, therefore, that a majority of the emigrants to that portion of the territory south of 36 30, which will be chiefly composed of our citizens, will ever re-establish slavery within its limits.

"In regard to New Mexico, east of the Rio Grande, the question has already been settled by the admission of Texas into the Union.

"Should we acquire territory beyond the Rio Grande and east of the Rocky Mountains, it is still more impossible that a majority of the people would consent to re-establish slavery. They are themselves a colored population, and among them the negro does not belong socially to a degraded race."

Gen. Cass also in the same letter quoted the language of Mr. Walker, (Mr. Polk's Secretary of the Treasury) & endorsed its truth by declaring that it "every where produced so favorable an impression upon the public mind, as to have conduced very materially to the accomplishment of that great measure." Texas-annexation.

"Beyond the Del Norte." says Mr. Walker, "slavery will not pass; not only because it is forbidden by law, but because the colored race there preponderates in the ratio of ten to one over the whites; and holding, as they do, the Government and most of the offices in their possession, they will not permit the enslavement of any portion of the colored race, which makes and executes the laws of the country."

Not content with the authority of Buchanan and Walker, Cass adds to their language the expression of his own conviction that it is all an abstract and not a practical question—that slavery cannot go to California and New Mexico, and that their inhabitants cannot be slaveholders. In the same Nicholson letter, he thus says:

"The question does not regard the exclusion of slavery from a region where it now exists, but a prohibition against its introduction where it does not exist, and where, from the feelings of the inhabitants and the laws of nature, "it is morally impossible," as Mr. Buchanan says, that it can ever re-establish itself."

The reader will remember that Col. W. S. Featherston, the democratic candidate for Congress in this District, was one of the Congressional committee, that brought the Nicholson letter of Gen. Cass to light, gave it currency as democratic authority, and ardently supported it and its author during the Presidential canvass.

The same opinion Gen. Cass has recently re-iterated in his letter to Thos. Ritchie, July 10, 1849, viz:—that "slavery, with or without this restriction (Wilmot proviso) will not be established in the territories."

"In that very letter to Mr. Nicholson (says Cass) I expressly stated my opinion to be, that slavery would never extend to California or New Mexico, and that the inhabitants of those regions, whether they depend on their ploughs or their herds, cannot be slaveholders. I quoted with full approbation the opinions of Mr. Buchanan and of Mr. Walker, [and here Cass repeats their views as above quoted, and then proceeds.]

"I have never uttered to a human being a sentiment in opposition to these views. And subsequent events, the events indeed of every day, confirm their justice, and render it impossible that slavery should be reestablished in the region ceded to us by Mexico. "In the view here taken, the effort to engraft the Wilmot Proviso upon an act of Congress, even if Congress had the requisite power, is a useless attempt to direct the legislation of the country to an object which would be just as certainly attained without it." * * "Those who advocate and those who oppose the Wilmot Proviso occupy very different positions. The former urge its adoption as a matter of expediency, in order to exclude slavery from the newly acquired territories, where it does not exist, and where it cannot be denied that this exclusion is as morally certain without it as with it."

We now extract from the Message of President Polk, Dec. 5, 1848—to show his endorsement, as head of the democratic party of the same view.

"The question is believed to be rather abstract than practical, whether slavery ever can or would exist in any portion of the acquired territory, even if it were left to the option of the slaveholding States themselves. From the nature of the climate and productions, in much the larger portion of it, it is certain it could never exist, and in the remainder the probabilities are it would not."

2nd.

The efforts of the late democratic administration, as far as they could be made, have tended to produce an anti-slavery feeling in the newly acquired territories.

The reader will not have forgotten that the Regiment sent out by Mr. Polk to California, to effect its acquisition, was taken wholly from the North—and placed under the command of a northern officer. Common honesty should have prompted him to have taken at least half of that regiment from Southern States—but it was part and parcel of the great idea of the democratic leaders to stifle feelings friendly to Southern rights in those territories—This is made evident from the assurances given by Mr. Buchanan publicly to his political friends in Pennsylvania. He endeavored to assuage their fears relative to the acquisition of slave territory by assuring them that slavery could not exist in that climate; and secondly, that Mr. Polk had sent out a Northern regiment who would be disbanded in California after the war, and who would preclude slavery forever from the territory. He boasted in advance, to the Free Democracy of Pennsylvania, that the Democratic Administration had settled the slavery question in favor of the North. He boasted that they had fixed it by means of this very regiment. He declared that it was no longer a practical question, and that the Free Soil Democracy could therefore vote for Gen. Cass, notwithstanding his Nicholson letter.

Well, the regiment was sent, and has been disbanded, according to the plan devised by the late Democratic Administration. A meeting was held at San Francisco, on the 24th of February last, for the purpose of making preparations for a general convention, to assemble on the first of August, to report a State Convention preparatory to an application for the admission of California into the Union. At that meeting Col. Stevenson, the notorious commander of Mr. Polk's anti-slavery regiment, figured prominently. Resolutions were adopted unanimously, excluding slavery from the territory. The fifth resolution it appears, did not go far enough for Mr. Polk's Free Soil emissary, so he proposed the following as an amendment, which was unanimously passed:

"5th. That the delegates who are to represent the district of San Francisco in the Convention that is to be held at San Jose for the formation of a provisional constitution, *are hereby desired, requested and instructed, by all honorable means to oppose any act, measure, provision or ordinance calculated to further the introduction of domestic slavery, or of free negroes as apprentices, by indenture or otherwise, to be employed in California.*"

We ask again, *who has excluded slavery from California?* The answer is plain—the late Democratic Administration did it, and the whole Democratic party are responsible for the result, because they knew of Mr. Polk's policy at the time and yet approved of his administration—they recognised the treason, and yet embraced the traitor. Some of his supporters in Georgia sought to prepare the minds of our people for receiving the poison, by voting themselves for a bill containing the Wilmot proviso: others of them dodged that question, but sanctioned Mr. Polk's approval of the principle of that infamous measure. They did this under the specious guise of *compromise*, while they knew that their own administration had so managed matters as to exclude slavery forever from the *whole of the acquired territory*. No wonder these men have endeavored to raise a "hue and cry" against certain Whigs upon the slavery question. It was the old trick of the felon who cried "Stop Thief," merely to attract attention away from his own villainy. The proof is now out, and is too positive to admit of even the shadow of contradiction. We beg our friends to keep it before the people. Let it not be forgotten *that Slavery has been excluded from California by means of a Free Soil Regiment, sent out by the late Democratic Administration, for that express purpose.*

We now give an extract from a letter written by Thos. B. Van Buren, of the army, formerly of Albany, N. Y., now in California, which not merely throws light on the real situation of affairs there, but on the agency of Mr. Polk's northern regiment in producing an anti-slavery feeling. The following is the extract referred to:

"Before I close, let me say a few words on the all-engrossing topic of the age—slavery. It can never find a foothold in this country—not that there is the least truth in the absurd theory that the situation or products of the country would never warrant it, for where can slavery exist to more advantage than in a mining country? A few hundred good working slaves, in any rich portion of the mines, would be invaluable. But it will not and cannot exist here, because *the popular sentiment—planted by the New York Volunteers*, and fostered and encouraged and built up by every honest freemen who lands upon these shores—is firmly and unalterably opposed to it."

Could any better system of tactics have been devised for the exclusion of slavery from the Pacific acquisitions, than that employed by the Democratic managers? They have preached up the doctrine that it was an abstract rather than practical question—that slavery could not possibly exist or be re-established there—that the laws of nature and the feelings of the inhabitants were against it.—They set in motion the tide of emigration from the North, by sending troops exclusively taken from that section. To their northern friends they boasted what would be the legitimate, necessary effect of this move. Concurrently with all this, they broach the doctrine that to the people of the territory belongs the right of legislation on the subject of slavery—non-intervention on the part of U. S., and management by the inhabitants of the territory of their own internal concerns.—Having thus checked Southern emigration under the belief that slavery could not exist there, and stimulated northern emigration by sending thither volunteers from free-states alone, they are now endeavoring by force of party drill, to obtain the assent of the people to these doctrines of non-intervention and territorial legislation. Will the people of the South gratify them in this? Is it not enough that democratic conventions, leaders and presses in this district have ratified these *quasi* free-soil sentiments of Cass, of Walker and of Buchanan, and have approved without a murmur every portion of Polk's administration—even his sanction of a bill legalizing the Wilmot proviso, and his consequent attestation to its constitutionality? Or must the democracy of this State and district be called on to finish the work, and by their support of this doctrine of non-intervention and territorial legislation on the subject of slavery, to complete the arch of free-soilism, which party managers have been so sedulously engaged in erecting over our newly acquired territories?

3rd.

Let us now see what is this doctrine of non-intervention advocated as the creed of the democratic party.

We affirm that it means a denial to Congress of all power of legislation upon the subject of slavery in the territories in any manner or form, & a leaving of it entirely to the control of the people of the locality to determine whether it shall or shall not exist among them.

From the Washington Union, June 14th, 1848.

"The democrats, respecting the obligations and compromises of the Constitution, have laid down, in open day, a platform of *conciliation* on which they are willing to unite, both at the South and the North, in the full maintenance of the equal rights of all portions of the Union. The ground of that platform is to regard slavery as a domestic and municipal institution—belonging not to the jurisdiction of Congress, but to the *jurisdiction of the local communities, both of the states and territories which are to become states.* It is for these and these alone—*the people of the locality* to determine, whether or not slavery shall exist among them."

From the Nicholson letter of Gen. Cass, Dec. 1847.

"Leave to the people, who will be effected by this question (slavery in the territories) to adjust it upon their own responsibility, and in their own manner."

It (the principle of interference) should be limited to the creation of proper governments for new countries acquired or settled, and to the necessary provision for their eventual admission into the Union, *leaving in the mean time, to the people inhabiting them to regulate their internal concerns in their own way. They are just as capable of doing so as the people of the States;* and they can do so at any rate, as soon as their political independence is recognized by admission into the Union."

Now these are Gen. Cass' views as expressed by him, Dec. 24, 1847—and drawn in the most favorable light that he could present them so as to attract Southern support. To show that we do not misrepresent their tendency, we ask attention to the following language of the *Houston Patriot*, a democratic paper published in Col. Featherston's own town and county.

From the Houston Patriot, June 28th, 1848.

"The doctrine of non-interference by Congress upon the question of domestic slavery, is the true ground, the only position which is abstractly right, or safe for the South. This is the position of the democratic party, openly and freely avowed by the candidates of the party.

"*To the people inhabiting a State or Territory alone belongs the right to determine whether slavery shall or not exist in such State or Territory.* Congress have no right to legislate on the subject of slavery, either directly or indirectly, nor have that body any right, in any wise to enquire into the local policy of the people of any Territory, except to see that they adopt none other than a 'Republican' form of Government. * * Congress cannot dictate to the people of any territory as to their local policy—whether slavery shall or shall not exist in such territory. The right of the people in their sovereign capacity, to determine upon the existence of slavery was recognised in the adoption of the Federal Constitution, and is indeed one of the fundamental principles of Republicanism.

"But it is contended by our opponents that unless Congress pass a law authorizing the introduction of slaves into the newly acquired territory, the people already resident there will prohibit their introduction. To this we again assert that the people of such territory, however newly acquired, in even their first organized capacity, as citizens of American soil have this right. We further contend that this principle will produce the following result in practice. That the people of any territory thus permitted to act, will ever tolerate slavery where it is profitable to them, and that they will prohibit it where it is not profitable.

"Some Southern Democrats have run into an egregeous error on this subject. Some of them have even denounced Gen. Cass as being unsound upon this question, when indeed and in truth he is right—sound to the core, and they—if they differ with him at all, are wrong and distrustful. * * Be this however as it may, Gen. Cass occupies the true Southern position—the position assumed by the great democratic party."

The Columbus Democrat of June 24, 1848, (another organ of the party in this District) thus endorsed Gen. Cass' letter, and thus approved of the right of the people of the territories to act on the question of slavery.

"The letter covers the whole ground of inexpediency and of the total want of any power in Congress over the question, and is so full, so clear and so satisfactory, that it needs not one word of comment. There is still another question which the ultras of South Carolina have raised, and which Mr. Yancey of Alabama is constantly harping upon. *It is what power the people of the territories have over the question of slavery among themselves as an organized community. Gen. Cass holds that the territo-*

torial legislature may act on this as a local question of their own, to the exclusion of all federal authorities whatever, and in this opinion he is sustained by some of the soundest minds even at the South. As the Mobile Register well remarks, "it is more of a judicial than a political question, and in our opinion the attempt to present it as a political test to the South, is a great and mischievous blunder."

Col. Featherston in his speech in Congress of June 26, 1848, denied that this was Gen. Cass' position—thus differing from the great and small organs of his party.—He also differed on this point with Mr. Lahm, a brother Democrat in Congress—who interrupted his speech with the assertion that "the position of Gen. Cass he, (Lahm) understood to be distinct and plain—that the matter must be left to to the people of the territories themselves, and that they must govern."

He also differed widely with Howell Cobb of Georgia, a leading Southern democrat in the House of Representatives, who asserted, (July 1, 1848,) speaking of his Nicholson letter:

"I understand him (Cass) to declare it as his opinion that Congress has no constitutional power to legislate on the subject [Wilmot proviso] at all, referring its decision to the arbitrament of the only safe tribunal for its correct settlement, and that *the will of the people of the territory.*"

But Gen. Cass has spoken again for himself and shows that the organs both small and great were right in their construction of his letter to Mr. Nicholson.

Extract from Gen. Cass' letter of the 10th July, 1849, to Mr. Ritchie of the Washington Union.

"The other proof of insincerity, as I have already stated, is drawn from the fact that in my letter to Mr. Nicholson I took ground against the Wilmot Proviso, excluding slavery by law from the territories, and now believe that slavery, with or without that restriction, will not be established there. And the wonder is gravely expressed how I could write that letter and the letter of three lines to the Chicago Convention, and yet claim the character of an honest man. It is a much graver wonder to me, how intelligent editors of public papers, whose influence on public opinion is so great, should venture thus to deal even with a political opponent, in utter disregard of his true position. It will not surprise you, but it will many, who have viewed my course only in a party aspect, to be told *that in that very letter to Mr. Nicholson I expressly stated my opinion to be, that slavery would never extend to California or New Mexico;* and that "the inhabitants of those regions, whether they depend on their ploughs or their herds, *cannot be slaveholders.*" I quoted *with full approbation* the opinions of Mr. Buchanan and of Mr. Walker, the former of whom says: "It is morally impossible, therefore, that a majority of the emigrants to that portion of the territory south 36 deg. 30 min. will ever re-establish slavery within its limits." Mr. Walker maintains that "beyond the Rio del Norte, *slavery will not pass, not only because it is forbidden by law,* but because the colored race there preponderates in the ratio of ten to one over the whites: and holding, as they do, the government and most of the offices in their possession, *they will not permit the enslavement of any portion of the colored race, which makes and executes the laws of the country.*" And to these remarks I add: The question, it will therefore be seen on examination, does not regard the exclusion of slavery from a region where it now exists, but a prohibition against its introduction *where it does not exist,* and *where, upon the feelings of the inhabitants, and the laws of nature,* "it is morally impossible," as Mr. Buchanan says, "*that it can ever re-establish itself.*" *I have never uttered to human being a sentiment in opposition to these views. And subsequent events, the events indeed of every day, confirm their justice, and render it impossible that slavery should be re-established in the region ceded to us by Mexico.* In the view here taken, the effort to engraft the Wilmot Proviso upon an act of Congress, even if Congress had the requisite power, is a *useless attempt to direct the legislation of the country to an object which would be just as certainly attained without it.* Those who oppose the Wilmot Proviso on the ground of its unconstitutionality can never surrender their opinions and vote for it. *Those who have heretofore advocated its adoption may well abandon it, convinced as they must be, that their object will be as well attained without it as with it.* It appears to me one of the most barren questions that ever divided a country; barren in useful results, but fertile in difficulties and dangers. I freely confess that I look with amazement upon the zeal and pertinacity displayed in urging this measure under these circumstances, and augur from them the worst consequences. Those who maintain the right of Congress to pass the Wilmot Proviso, must maintain not only the right of that body to establish governments, and to provide for the necessities of legislation over the public territory, which is one thing, *also the power to direct all the internal territorial legislation at its pleasure, without regard to the will of the people to be affected by it, which is another and quite a different thing.* I shall not enter into any *subtleties* touching the condition of sovereignty, or the rights it brings with it. That subject was a good deal debated at the session of Congress; but it had been already exhausted in the discussion pro-

viously to our revolutionary struggle. We are sovereign, said the British government to the colonies, and may legislate over you as we please. *You are sovereign*, said our fathers, and may establish governments, but you have no right to interfere, by your legislation *in our internal concerns. Such legislation, without representation, is the very essence of despotism.* This dispute divided one empire. Let us take care that a similar assumption of power does not divide another. Have Congress any power to legislate over the territories? I said in my letter to Mr. Nicholson, 'How far an existing necessity may have operated in producing this legislation, and thus extending, by rather an violent implication, powers not directly given, I know not. But certain it is, that the principle of interference should not be carried beyond the necessary implication which produces it."

"To preserve the peace of society—and to this ground of support we must come at last—there is no more need that Congress should conduct the legislation of the Territories than that they should conduct the legislation of Virginia or of Massachusetts. It is enough that they should organize governments, and then the necessity for their interference ceases. And the result proves this; *for the local governments do manage the internal concerns of the Territories in most cases, and would as safely in all, if not restrained by congressional interposition;* and if Congress can pass beyond the power to organize governments, they may rule a territory at their pleasure, and prostrate every barrier of freedom. If, as I have heretofore said, they can regulate the relation of master and servant, what but their own will is to prevent them from regulating the other relations of life—the relation of husband and wife, and of parent and child; and, indeed, all the objects which belong to the social state? *There is no man who can show the slightest necessity for this interference on the part of the general government, and there is consequently no man who can show that it has any right to interfere on the ground of its necessary action. The people of the Territories are fully competent to conduct their own affairs; and the very first principle of our social system demands that they should be permitted to do so."*

Who and what is Mr. Burke. Co-Editor of the Union?

After the Presidential election "old Father Ritchie" felt very much like the boy in the thunder storm—he could not stand such PEALS from the people—"something had to be done." Accordingly in the Union of the 17th April, 1849, he commences a new era—takes a new tack with his shattered vessel, which is thus announced.

"We owe every thing to our principles AND OUR PARTY—and we are making arrangements to insure such FURTHER TALENT AND ENERGY INTO OUR PAPER AS THE OCCASION OBVIOUSLY REQUIRES. We have GREAT CONFIDENCE in the ASSOCIATE whom we shall attempt to bring into our establishment from the NORTH or the NORTH-WEST, and we trust we are not mistaken when we add great confidence in the Republican party. We shall stand by them—and we appeal to them to stand by us."

Owe every thing to your principles & your party! *Your principles*, by themselves wont do to trust. You are badly beaten. "THE OCCASION OBVIOUSLY REQUIRES" SOMETHING TO BE DONE. What shall it be? Help Cassius, or we sink! An *associate* wanted —AN ADVISER—a bosom companion and copartner—sole adviser and peculiar friend of Ritchie and the South—he announces that he has GREAT CONFIDENCE in the associate whom he would attempt to bring—wherefrom do you suppose, SOUTHERN reader?—from the North or the North-west? Why from the North or the North-west? Why not from the generous, the chivalrous, the talented associate of his youth, his early manhood, of his mature age in the SOUTH—if he was YOUR FRIEND and the friend of Southern institutions? Because he wanted Free-Soil friends and had "great confidence in the republican party." Confidence that induced him to believe that they would stand and see the sacrifice of the South, to save the democratic PARTY.

One month reveals this associate in the person of Edmund Burke—ex-commissioner of patents—an electioneering office-holder from New Hampshire—one of the COALITION States, and distinguished for UNIVERSAL FREE-SOILISM. But this is not the only claim to the confidence of old father Ritchie, which this associate can boast. He is a slavery restrictionist—a Wilmot provisoist—When the Bill to organize a Territorial government in the Territory of Oregon, &c., was under consideration in the House of Representatives, 3d July, 1845, the following amendment was proposed to the 6th Sec. by Mr. Winthrop, for which THE ASSOCIATE, then a member of Congress from New Hampshire, voted.

"Provided however, that there should be neither slavery nor involuntary servitude in said Territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted."—SEE GLOBE, 2D SESS. 28TH CONGRESS, p. 236, ap Sir Burke's CONFESSION—Union, 31 July, 1849.

This vote Mr. Burke has himself confessed in the columns of the Union, and in the semi-weekly issue of that paper of July 27, 1849, he himself calls it, when offered by Mr. Thompson, "the Wilmot proviso," and headed it with the emphatic announcement that it was an "abolition proposition."

Pending the late Congressional campaign in North Carolina, it was stated by Mr. Stanly, in a Circular addressed to the Freemen of his District, that he had formerly charged to his face in the House of Representatives, Edmund Burke, co-Editor of the "Union," with being an abolitionist. This statement was denied by Burke, and the Public were vauntingly informed that had Mr. Stanly preferred such an accusation, he would certainly have been met with the reply that his charge was "false." By accident, we have stumbled across the debate in the House of Representatives, on the 16th of January, 1840, and find the following episode, to which we invite special attention. It seems that Mr. Stanly not only DID charge Burke with abolitionism, but that this strutting THRASO who boasts so loudly of what he WOULD HAVE DONE, quietly (by his silence) confessed the "vile impeachment!"

"Mr. Stanly remarked that he remembered inquiring at the last session of Congress, if there were any abolitionists in New Hampshire who support the present Administration. I was uniformly answered, no; they all belong to the Whigs.—It was a long time before I could procure information from that benighted region, but at last I did gather some facts which I will give.

"Although I was told that there were no Van Buren abolitionists in New Hampshire, I had accidentally seen a paper from there, edited by Edmund Burke, the same gentleman now a member from this State. This paper, to my surprise, contained an appeal to "democratic abolitionists," beseeching them not to be entrapped in the toils of Federalism. This paper is called the "Argus and Spectator." If I am wrong in supposing the gentleman from New Hampshire to be the person to whom I have alluded, I hope he will say so. Does he deny it?

"[Mr. Burke, of New Hampshire, observed that the gentleman from North Carolina had read an extract only; he wished him to read the whole of the article.]

"Mr. Stanly. Read the whole! I might read until midnight, if I read the whole of the articles to which I have referred. I ask the gentleman if he denies it?

"[Mr. Burke requested Mr. Stanly to repeat the question.]

"Mr. Stanly asked if there were not many abolitionists in New Hampshire who supported the Van Buren party, and if he was not the editor of the paper from which he had just read an extract? Does the gentleman deny it? (No answer.) Yes, sir, I was told frequently that all the abolitionists in New Hampshire were Whigs. But here is the editor of the Argus and Spectator, on the same ticket with the gentleman who introduced the humbug resolutions, addressing the democratic abolitionists of New Hampshire?"

From the Washington Union of June 1st, 1849.

"It is scarcely necessary for us to reply to the illiberal insinuations which the National Intelligencer sees fit to make in noticing our association with Mr. Edmund Burke.—From the first moment, we took the ground of non-intervention, and we have maintained it without a shadow of turning up to the present hour. That is the doctrine of the constitution. It is the doctrine of the democratic party. Gen. Cass advocated it in his Nicholson letter, and the Baltimore Convention in 1844, by solemn resolution, sanctioned it and sanctioned it again in 1848.* It is a part of the democratic creed. We therefore yield nothing to Mr. Burke and Mr. Burke yields nothing to us, on this subject; for we stand together on the non-intervention platform.

From the introductory of Ritchie and Burke, in the same paper.

—"It is not to be denied that upon one subject there is much difference of opinion not only in the ranks of our own party but among the people generally, as they are more or less affected by their respective relations to the subject alluded to.—That subject is the prohibition of slavery in new territories.—

—"Our ground is that of NON-INTERVENTION. It is the ground which we deem it our duty to take in reference to the whole subject of slavery.—

—"If there were no difference in the institutions of the respective states of the confederacy there could be no serious difference with regard to the manner in which conquered territory should be disposed of. But unfortunately there is a difference.

In part of the States the institution of slavery exists, and in part it does not. The former claim the right to carry THEIR institutions and whatever they regard as property into the common territory of the whole; and the other insists that that particular institution and the particular property which it recognizes, shall not be introduced into their common territory. As this is not only a conflict of alleged right, but of pride also, serious dangers threaten to flow from it and to disturb the peace and permanency of the Union. Now, in such a state of things, what is the true state of patriotism and wisdom? It is to avoid the dispute by agreeing to a common ground on which all can stand.—We propose the ground of NON-INTERVENTION—

*The reader will bear in mind the endorsement by the Free-Soil party and their leaders of this resolution of the platform.

TION; by which we mean *that Congress shall abstain from all legislation in relation to the subject of slavery in the new territories, leaving it to the people of the territories themselves to make the necessary provision for their eventual admission into the Union and to regulate their internal concerns in their own way.*—

—"This position is in accordance with the great fundamental principle upon which all free government is founded viz: the right of the people to establish the political institutions by which they shall be governed. It is the principle proclaimed in the Declaration of Independence and recognized in the constitution of every State in the Union. It is the great American principle of liberty. And it is the enjoyment of this principle which we would secure to the citizens of the new territories acquired from Mexico: *and if they or either of them should apply to Congress for admission as sovereign States into the Union with a free constitution, we say admit them.*—As the conductors of a public journal which is the sole organ at the seat of government of a great national party embracing a difference of opinion upon this subject, we shall stand upon this common ground. It is the ground assumed by the democratic party at the Baltimore Convention in 1844. It was inscribed on its banners in the last presidential campaign, and affords now a platform on which all true patriots and the friends of the Union can and ought to stand.—

—"It respects the guaranties of the constitution, without which it could not have been formed, and without which the Union cannot be preserved, whilst it adopts the great principle at the basis of all popular liberty—the right of a people to proscribe their own institutions.—With these views, we consider it our duty with all respect to the opinions of others, but with all firmness and moderation, to urge that Congress refrain from all interference with it either directly or indirectly and leave the whole subject to the legislation of those whose interests are to be effected."

From the Union of the 28th July, 1849.

"The democratic press does the author and his composition full justice." Among others, the Petersburg Republican, the Richmond Enquirer and the Trenton News, commend it as among the best productions of Gen. Cass. They also strongly approve its spirit.—The New York Journal of Commerce makes copious extracts from it and concludes with the following *liberal* suggestions:

'This very fact of an honest difference of opinion between immense masses of 'our citizens, as to the constitutional right of Congress to pass an act excluding sla- 'very from the new territories, is an all sufficient reason why such an act should NOT 'be passed unless required by the most urgent necessity. But it is now apparent 'that no such necessity exists. It is as certain as anything future, that whenever 'the people of those territories are permitted to act on the subject, they will act 'rightly; *they will exclude slavery from their limits.* What more do the northern 'people want? What more can they ask? They accomplish their object to the 'very letter, though the mode is a little different from what they intended. And 'pray, can they not, for the sake of peace, yield the shadow seeing they have got 'the substance? If they cannot, we advise them to scrutinize carefully their mo- 'tives, and see if old Adam is not at work behind the scenes.—

—'This plan of operating through the people of the territories, instead of Con- 'gress, is not only preferable on the score of national harmony and good will, *but it* '*will be safer and more effective in regard to slavery itself.*'"

From the Washington Union of August 7th, 1849.

"The non-intervention principle is our doctrine and our platform on the subject of slavery. And with regard to the territories we mean by non-intervention that Congress shall abstain from all legislation upon the subject of slavery, leaving it to the people of the territories themselves, to make the necessary provisions for their eventual admission into the Union and to regulate their internal concerns in their own way.— * * It is the great republican doctrine, embodying a recognition of the SOVEREIGN POWER OF THE PEOPLE. In principle therefore are we in favor of the doctrine of NON-INTERVENTION as applied to the territories. If the people of the territories have not the right to establish their own governmental institutions, retaining the republican form, we do not know where the power resides.—

—"Nor does the doctrine of NON-INTERVENTION interfere with the supposed rights or prejudices of any section of the Union. It leaves this debatable question open, to be settled by the people of California themselves and by the Supreme Court of the United States.— * * We therefore stand firmly upon the ground of non-intervention."

From the Washington Union, August 25th, 1849.

"The following *patriotic resolutions, based upon the ground of non-intervention*, were adopted by the late Democratic State Convention of Iowa:

'"*Resolved*, That we deprecate any separate and sectional organizations 'in any portion of the country, having for their object the advocacy of an 'isolated point involving feeling and not fact, pride & not principle, as destructive 'to the peace & happiness of the people, & dangerous to the stability of the Union.

"*Resolved*, That inasmuch as the Territories of New Mexico and California come to 'us free, and are free now, by law, it is our desire that they should remain forever free; 'but that until it is proposed to repeal the laws, making the country free, and to 'erect others in their stead for the extension of slavery, we deem it inexpedient and 'improper to add to the further distraction of the public mind by demanding, in 'the name of the Wilmot proviso, what is already amply secured by the laws of 'the land."

"If the same patriotic spirit should fortunately govern the councils of the people of all the States, the question which now agitates the Union, threatening to disturb its tranquility and peace, would never again be heard of. We trust that such a spirit may yet rule the hour."

This doctrine of non-intervention has been distinctly avowed by the democratic leaders of Oktibbeha County, in the resolutions offered and passed at the meeting held there last spring, recommending the Hon. W. S. Featherston for re-nomination to Congress, and appointing delegates to the Greensboro' Convention.

Mr. W. T. S. Barry, Chairman of the Committee of Resolutions reported the following, among others, which was adopted:

"*Resolved*, That it is her duty (THE SOUTH) *to resist all interference of Congress with the subject of slavery, as one, over which the Constitution has given no power, but has wisely left the same to the control of the people among whom it immediately exists.*"

Extract from Gen. H. S. Foote's letter.

"A man who has read Mr. Pinckney's great speech on the Missouri question, Gen. Cass' Nicholson letter and the speeches of Mr. Berrien of Georgia at the two last sessions of Congress, and yet supposes Congress to have constitutional authority to legislate upon the subject of Slavery, ANYWHERE, either in the States, Territories, or the District of Columbia, either directly or indirectly, must be a madman."

Extract from a late letter of Henry S. Foote, U. S. Senator from Mississippi, to Thos. Ritchie, written in May or June, 1849:

"Whigs *and democrats in Mississippi agree with you* and the whole northern democracy, *in maintaining the non-intervention* principle."

Having shown that the leading journals and great heads of the democratic party have proclaimed the doctrine of "NON-INTERVENTION," and have defined that doctrine to be, *that Congress has no power to pass any laws on the subject of slavery* —not even to protect us in the enjoyment of our rights of slave property in the territories of New Mexico and California, or to punish the Mexicans for stealing or harboring our slaves—*and that all that power belongs to the territorial inhabitants;* we proceed now to show by DEMOCRATIC AUTHORITY the absurdity of such a doctrine.

FIRST: We will show that neither Congress nor the territorial legislature have any power to prohibit the Southern slaveholder from going with his slaves to the Territory belonging to the United States.

SECOND: That Congress UNDER THE CONSTITUTION possesses the ONLY legislative power over these territories, which can be exercised,—and that such power is not absolute, but LIMITED by the terms, as well as the true intent, spirit and meaning of the Constitution itself—*the Constitution having been made for the* PROTECTION *and not for the* DESTRUCTION *of our rights, whether of person or property.*

THIRD: That under the Constitution, Congress has not only no power to destroy our rights of property, or prohibit us from carrying our slave property to New Mexico and California, *but it is bound by the most sacred obligations of duty, to pass laws to protect that property in the new territories—to pass laws, in pursuance of the Constitution and its true spirit and meaning, to punish the harboring or stealing our negroes in those territories during their territorial existence.—and all other laws, (such as our Habeas Corpus act for the immediate recovery of their possession,) which may be necessary to protect that species of property.*

Extract from Speech of Hon. A. G. Brown, of Mississippi, in Congress June 3rd, 1848.

"I shall not admit, as some southern men have done, a right in the people of the Territory to exclude me and my constituents from a full participation in the use and occupancy of these Territories. There is something so monstrous in such a proposition that the mind recoils instantly on beholding it. Suppose you receive (as you probably will within the next week) the Mexican treaty ratified, and that you proceed, before the close of this session of Congress, to organize a territorial government in New Mexico and California; will the present inhabitants of these Territories have the right to exclude whom THEY please? Do gentlemen mean seriously to contend, that after fighting out this war, at the expense of more than fifty millions of dollars, and the sacrifice of more than five thousand precious lives, we are not now to settle in the Territories acquired by this vast expense and sacrifice, until the Mexican inhabitants shall be willing to grant us leave!

"Do they mean to assert that the victorious and proud-hearted American is to go, cap in hand, to the miserable, cringing Mexican peon, and ask his permission to

settle on the soil won by the valor of our troops at Buena Vista, or before the walls of Mexico! Truly, sir, there is something new in the law of nations—this doctrine that the conqueror may only use his conquests as the whims and caprices of the conquered may choose to dictate. I should like to hear gentlemen who hold these doctrines advancing them to our southern soldiers. I should be glad to know what response a member of 1st Mississippi Rifles, or the South Carolina Palmetto Regiment, would make to a member of Congress who would tell him that he could not take his property to California until the Indians and Mexicans in that country give him special leave to do so. Having conquered the country, they doubtless concluded, as I had done, that if the Mexicans remained, they would do so by the special grace of the conqueror.—The conclusion, Mr. Chairman, to which my own mind has arrived on the several points involved, are briefly these: That every citizen of the United States may go to the Territories, and take with him his property—be it slaves, or any other description of property. That neither the United States, Congress nor Territorial Legislature has any power or authority to exclude him; and that the power of legislation, by whomsoever exercised, in the Territories, whether by Congress or the Territorial Legislature, must be exerted for the equal benefit of all—for the southern slaveholder no less than for the northern dealer in dry goods.

"Gen. Taylor, whom you would make President even against his will, is himself a slaveholder, an extensive cotton planter, in my own district. Suppose he should desire to remove his slaves to New Mexico or California: is he to be told, that after all his toils, his dangers and privations—after having "won an empire"—he shall be an outcast, without the poor privilege of occupying the very soil which his skill and valor won for his country! But why specify individual instances, when there is not a battle-field, from Palo Alto to Agua Nueva, nor one, sir, from the castle of San Juan to the inner walls of the city of Mexico, that is not crimsoned with southern blood; not a field from which the disimbodied spirits of southern patriots have not ascended, where their bones do not now lie bleaching! The hour that witnesses this black injustice will date an era in the decline of this great Republic. The vote by which this foul wrong is consummated will unhinge the Constitution, and leave our country at the mercy of the winds and waves of popular fury. I am not authorized to speak for the entire South: but for my own gallant little State, I can and will speak. She never will submit to a wrong like this: no, sir; never, never, never! There she stands, on the broad platform of the Constitution: weak in numerical force, strong in the consciousness of her own just cause, fresh from the field of her glory, still dripping with the blood of her best sons: and there she will stand, until the shock that drives her from that position shall crumble the Constitution beneath her feet. She hates injustice, and loves the Constitution: she cherishes the memory of her fallen sons with all the fondness of paternal affection, and she will see justice done their memory; she will demand justice, according to the Constitution, for their families and friends. No power on earth can deprive them of this but the power of despotism. When that is exerted, the tocsin will sound; the spirit of Washington will depart; the Constitution will pass away as the baseless fabric of a vision: anarchy will reign triumphant. May God, in His mercy, preserve us from such a calamity!"

Extract from a speech of Jefferson Davis, of Mississippi, on the Oregon Bill—Delivered in the Senate of the United States, July 19th, 1848.

"I have said the power to prohibit the introduction into Oregon of slavery, as recognized under the Constitution, is such control over property and persons as can only be exercised by sovereignty. If this be correct, the proposition to leave the whole subject to their territorial inhabitants is equivalent to acknowledging them to be sovereign over the territory. If they are so, by their own right, then it is not "territory belonging to the United States." If it be territory of the United States, Congress has no right to surrender the sovereignty of the States over it.—No right to entrust to other hands the formation of the institutions which are in future to characterize it. * * * * * * * *

"I have thus presented my view of the three sources from which it is claimed to draw the power to prohibit slavery in territory of the United States. From the considerations presented, my conclusion is that it cannot properly be done in either of the modes proposed. That not being among the delegated powers of the Federal Government, or necessary to the exercise of any of its grants, Congress cannot pass a law for that purpose. That the territorial government is subordinate to the Federal Government from which it derives its authority and support, and that neither separately or united can they invade the undelegated sovereignty of the States over their territory. That the laws of a former proprietor, so far as they conflict with the principles of the constitution, are abrogated by the fact of acquisition. That territory of the United States is the property of all the people of the

United States; that sovereignty of the territory remains with them until it is admitted as an independent State in the Union; and that each citizen of the United States has an equal right to migrate into such territory, carrying with him any species of property recognized by the Constitution, until sovereignty attaches to the territory by its becoming a State, or until the sovereign States, by agreement, or by compact, shall regulate specifically the character of property which shall be admitted into any particular territory. * * * The Constitution did not create the institution of domestic slavery—it was no part of the object for which it was formed, to determine what should be property, but an important portion of its duty to generalize and protect the rights of citizens beyond the limits of State jurisdiction. * * * Slavery existed in the States before the formation of the Constitution—it needed no guarantee within their limits—its recognition beyond this was part of the more perfect Union, as its protection against all enemies whomsoever is part of the common defence for which that Constitution was adopted."

Extracts from speech of Mr. Hunter, of Va., Late Speaker of the House of Representatives in Congress, on the Oregon Territorial Bill, delivered in the Senate of the U. S., July 11th, 1848.

"When I remember the uniform course of precedents upon this subject, I am not a little surprised, that the question should at this day be mooted, as to where is lodged the power of governing the territories of the United States. Congress has invariably prescribed the fundamental ordinance or quasi constitution of the territorial government. It has introduced into these ordinances matters of more municipal regulations, such as the course of descents and distributions, and in some cases reserved to itself expressly the right of vetoing the action of the territorial governments. In addition to this, it has been universally conceded as the right of the Federal Government to cede away the territory, with sovereignty and jurisdiction, to foreign states. Now if the major included the minor, the power which can prescribe a constitution, and transfer the sovereignty and allegiance of the territory and its people, must surely include the right of governing both.

"If the soil is ours, to be sold and settled, we must have the means of preventing trespasses and keeping the peace upon it. This right of property vested in the States would not be secure if they were dependant upon any other authority than an agency of their own, for the preservation of peace and order upon this domain.—Counterfeiters, horse-thieves, fugitives from justice, might collect in bands upon this territory and there would exist no adequate power any where to restrain or reclaim them, unless the authority to do so existed in Congress. Without this power we could not guaranty to the purchaser the use of the public domain after he had acquired it, and of course there would be no demand for the soil which we wished to sell. But there is another still more important purpose for which the territory of the United States is destined. I mean its settlement and erection into new States. To TRAIN UP THESE INFANT COMMUNITIES under such institutions as may fit them to become members of the confederacy, is an object of the highest importance. To attain this great end, where could the power of governing be so well lodged as in Congress, the common agent of all the States! For these purposes, the maintenance of order and peace in the infant community is indispensable, and there is a point of time in its existence when Congress alone possesses the physical force to do it. There is then a point of time when Congress must govern this territory. When is it divested of this power! The Constitution has specified one, and but one period. When the infant community arrives at its majority.—When it is strong enough to assume the responsibilities of a sovereignty and comes as a State into the confederacy. But if the power does not exist in the Congress of the United States, in whom does it reside! Such a power must exist. At the time when the constitution was formed, the confederacy possessed territory. There was an obvious necessity that it should be governed. But we are told that it exists in the people of the territory. Does the Constitution say anything of the grant of such a power? Is it not an implied power! And how do they imply it! There are but two possible modes in which the people of the territories could derive it—either from the general right of man to self-government, the right of separate and distinct society or by implication from the Constitution of the United States. Can they derive it from the former, as a distinct and separate society? If they can, Congress has no right to extend over them its revenue laws, or exercise in relation to them any of the functions of Government, until this self-existing, self-governing society shall have come in, and by its own voluntary act, made itself a part of this confederacy. It is to be remarked that there is a class of restrictions imposed in the constitution upon the state government, necessary for the whole scheme of American society, which apply in terms to the states, and not to the territories. No State shall lay duties without the consent of Congress. But there is no such restriction with regard to territories. The citizens of each State are secured in the enjoyment of the priviliges and immunities of citizens of the United States. There

is no such provision in relation to the territories. There is a whole class of restrictions and prohibitions, which I need not enumerate, applied in the Constitution to the States, and not to the territories, and yet if it was assumed that this right of government existed in the territories, is it not obvious that these restrictions would have been extended to them? If this power of government exists in the territories, there is no constitutional obligation upon them to deliver up a fugitive from justice or labor. Nor do the guarantees in relation to republican government or domestic insurrection extend to them, although the latter is most indispensable for a sparse and weak people. Their power is greater than that of the States and they would thus be allowed to derange the whole system of American organization.—But this is not all—When we come to recognize the remarkable fact that none of these restrictions apply to territories, it follows that we must, by necessary and inevitable implication repose the power in the Congress of the United States. We repose it in them because they are the agents of the States, and because under the letter and spirit of the Constitution, they are governed by all these limitations, which are restrictions as necessary for the government of the territories as of the States, and which would effect the same ends in the territories as are effected in the States. In that point of view it was unnecessary to introduce these express prohibitions because they already existed as constitutional limitations upon the power of Congress to govern them. They were imposed upon State governments because they were separate and independent, but there was no necessity for introducing them in relation to territorial governments.

"But I go further:—There is another limitation which is equally demonstrable, and that is a limitation derived from the spirit of the instrument as positive and as absolute as the limitation in those prohibitory clauses to which I have just referred. It is provided that Congress shall guarantee a republican form of government to the States. There is no such provision in relation to the territories, and yet is it not obvious that Congress is governed by the spirit of the instrument in relation to this matter, and that there is a constitutional obligation resting upon it to guarantee a republican form of government to the territories as well as to the States? It does not expressly provide that the citizens of the States shall enjoy equal privileges and immunities in the territories, and yet does not every one feel and know that there is a constitutional obligation in them? To suppose otherwise would be to suppose that they had the power by means of a Territorial Government to defeat the whole end and intention of the instrument.

"If the duty of governing these territories devolves upon Congress, the obligation also rests upon it to *protect the property* of those who go there to settle, occupy and colonize it. But we have been told when insisting upon this obligation on the part of Congress that it is asking too much; that it is asking the free states, to participate in the *establishment* of slavery. But if the constitution imposed upon them that obligation, are we to be charged with asking too much when we demand that the obligation should be fulfilled? If they are dissatisfied or tired of the bond, let them say so. But if they mean to live under it, let them fulfil all the obligations which that instrument imposed on them.—But I go further: If this property exists in the slave, and the owner is not divested of it by his own act and he moves with it to his own land, it is not enough that Congress *does not deprive* him of it by law. I maintain that there is a *positive duty* to *protect* him in the possession and enjoyment of that property. It is the duty of Congress to govern that territory and from this results the obligation to *protect* the rights of person and property. If Congress fail in doing that, it fails of its duty, and would be universally so acknowledged if the case arose with reference to any other species of property than slaves. I maintain therefore, that we do not call upon Congress to *establish* slavery when we call upon them to *protect* us in the preservation of that which they recognize as property, and which if no constitutional proviso existed at all, they would be obliged to recognize as property, as resulting according to the law of nations from the rights of the sovereignty which gave it that character, and from the nature of property itself. A right exists until a man is divested of it, either by his own act or that of the law, and is it competent for Congress to say that the man who moves from the slave states into this joint property will be divested of his property as a penalty for going there? Has any portion of these joint owners a right to expel the others? If A. B. and C., purchase a common of pasture in joint tenancy; A, being the owner of cows; B. of sheep, and C. of horses; would it be competent for those who owned the cows and horses to unite and say to the owner of the sheep, that he should not bring his sheep upon the common? They knew beforehand that it was purchased for that very purpose. They knew that the pasture was purchased to be held in joint tenancy, and that each had a right to pasture upon the whole soil. Now if they do justice, they must maintain equality & allow the right of each to pasture upon the whole or make an equal division in severalty."

Extracts from Speech of Hon. J. A. Woodward of South Carolina, in Congress, July 3rd, 1848.

a "*The people of the territories have exclusive right to manage their own internal affairs, to govern themselves.*"—This is one of the propositions to be met. Sir, there runs throughout this phrase more lurking sophistry than was ever couched in the same number of words, while on its front it presents about as available an *ad captandum*, as a politician could find convenient to make use of for any elec-

mancering emergency whatever.—In the first place, occupants found upon a public domain, external to some sovereignty owning it, can in no proper sense be called "a people."—How many individuals buying tracts of land in the public domain would constitute a people? How close together should they reside to constitute them one people? How far apart to make them two peoples? How many peoples might they erect themselves into within a given circumference—say two hundred miles square—and each group declare itself absolutely independent of the others?—This people, it is said, have a right to manage their own "internal affairs"—to govern themselves.—Now, Sir, it is here assumed that all affairs internal to their supposed limits are *their* affairs. No one has any rights there but themselves. True, we, the people of the United States, are the owners of 90 acres in a hundred of all the lands there, and those inhabitants could have emigrated thither only by our permission and under our laws, and have acquired nothing beyond the fragments of land that each one severally occupies. We are the owners of all intermediate tracts separating one settler from another, and of all the region encompassing them about, to an indefinite extent. And yet, when, upon the pretence of having become the owners of a few acres, at a nominal price, or probably no price at all, they assume to qualify our title to all the rest; to affix conditions to its purchase and occupation; to determine what shall be the state of human society on all the rest; to reject us, the very owners, upon a political test; to practice a sort of naturalization system to the exclusion of a part of the rightful owners of the soil,—they are said to be doing nothing more than managing their internal affairs! Sir, is it not manifest that, in excluding the people of the South from the public lands, the settlers would be assuming to do no more than manage *their* internal affairs! They would undertake, thereby, to determine their external relations to the United States, and to subject their ownership of the public lands to terms and conditions that did not originally attach to it."

"The power of Congress over its territories cannot be exerted in a manner to effect injuriously the rights of third parties; that is, the several States, or people thereof. Congress could not do this, and of course no subordinate authority could do it.—And accordingly this having been done in the ordinance of 1787, at the very first session of Congress under the new Constitution, Mr. Madison being present, in his seat, a charter of government for the territory south of the Ohio river was enacted, and a clause inserted disabling the territorial legislature to pass any law excluding citizens who should immigrate with their slaves. And the law I believe passed *sub silentio*. No controversy grew out of the proposition. It was the mode of executing the first compromise between slave and free States—a compromise requiescent in by an authority competent to do so. And if this mode be now abandoned, then are the slave States deprived of the poor privileges left them by the Missouri compromise, and the principle of the Wilmot proviso becomes predominant—south of 36°30, as it is north of the same line, by the force of compromise. He, therefore, who is opposed to Congress performing the solemn duty to the South of imposing such prohibition upon the territorial legislature, is a *practical man, practically*, if not at heart. *And the deceptive and delusive maxim of* "NON-INTERVENTION," will not long disguise its sophistry from the Southern people.—But it is contended—you will pardon me, sir, if I say *pretended*—that in passing any law in relation to slavery, Congress would be assuming jurisdiction over the question. *Indeed! Sir, do we assume jurisdiction in disclaiming jurisdiction?* If Congress have not jurisdiction, can it not say so! And if there be doubt and political agitation on the subject, ought it not to say so! And more especially in instituting a territorial government, which is to take charge of the constitutional rights of the citizen, ought not Congress, to disable that legislature from doing what the Constitution has disabled Congress from doing? A word or two more on this subject presently. I will proceed to show what it is Congress can do, and cannot do in this particular.—Nobody wanted to be informed that Congress has no jurisdiction on the question of slavery.—But gentlemen seem to be in a perfect mist as to the true meaning of this proposition. It means that Congress cannot make the *existence* of slavery a questionable point, and assume jurisdiction to decide that question affirmatively or negatively. The only issue involved in the *question* of slavery, is, "to be or not to be," and the only decision that could be made upon the issue, would be yea or nay—Slavery shall exist, or shall not exist. Clearly, Congress has no such jurisdiction. But, sir, it is a great mistake to suppose that there is *any* difference, in the respect, between slaves, and any other form of property. Neither can Congress assume jurisdiction of the *question* of the general institution of property. It cannot make that institution a questionable point, and assume to decide the question. It cannot abrogate property and substitute communism, much less wrest his property out of the hands of the citizen, and throw it away. Nor can it assume jurisdiction of the *question* of any particular species of property; it cannot ordain that cattle, or horses, or land, shall not be property; these matters are above the authority of all legislatures, Federal or local. But do gentlemen understand by this that Congress can not, within its legitimate sphere, enact conservative laws in relation to the *substance*, passing by the *question*, of property? *Is it not its solemn duty, wherever it has jurisdiction, so make all laws necessary to protect the rights of the citizen in his property of every kind, without any exception?* Will can legislate for this District, is it not bound to take care of the rights of property here—negro property, as well as other kinds? *And shall it be permitted to exonerate itself of this solemn obligation under the sophistical pretext that it has no jurisdiction over the question of slavery?* Sir, the gentleman from Ohio, (Mr. Giddings) will go with you for this sort of "non-intervention," both in this District and the Territories. Congress may pass laws taxing negro property in a State; it might enact a law that a slave should not be employed to drive a stage-coach conveying the United States mail. But this kind of jurisdiction confers no right to say that negroes shall not be property—it assumes that they are property. Gentlemen appear to forget the fundamental ideas of our political institutions. All legislative power is conservative, under our system. The duty of Government is to protect every right, and meet every guaranty provided by the Constitution making authority. With this authority rests all the guaranties of the Constitution.—*Every right and immunity ordained or recognized by Convention and guaranteed in the Constitution, the Government, in all its departments—legislative, judicial and executive, is bound to protect and conserve. For no other purpose was it created.* All powers of the government are conservative; and it has no legitimate right to destroy anything for the sake of which it was instituted. It would better to have no government at all, than a government to destroy. To say that, because Congress has authority to make laws in relation to property, it has a right, to destroy property, is just as absurd as to argue, that because a pilot has authority to conduct a vessel into port, he may sink her to the bottom of the sea; or that because a watchman is placed upon the tower, to guard the city, he may set fire to it, and burn it to the ground. The member that does not know this much of our institutions, had better go home, and let his constituents fill the vacancy.—Recently, we have made still another acquisition of territory; and when we ask nothing more than that Congress should execute the Missouri compromise in good faith, how are we answered! We are coolly told that Congress has no right to interfere—no power to protect the Constitution from infringement, or the rights of citizen, under the Constitution, from outrage, by a chartered company of settlers whom Congress itself shall create. Sir, what justification could you make for taking from the people of the South their own constitution, and the rights therein guaranteed by solemn oaths, and subjecting them to the caprice, ignorance or fanaticism of a chartered corporation in New Mexico or California! The people of the South will not long delay to have an answer to the question. The Congress is now employed in devising a form of Government for Oregon. We all see and feel the absurdity of the doctrine that Congress cannot legislate for the territorial districts. We are about to appoint governors and judges for Oregon, as has been uniformly done in every instance from the very first month of the first session ever held. There is a provision in the Oregon bills authorizing it upon the territorial legislature not to [illegible] the fundamental rights secured to individuals generally by the Constitution of the United States—right of habeas corpus, trial by jury, exemption

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of property from seizure, of persons from arrest without affidavit of probable cause, &c., &c. And no one imagines that Congress is making a question about these rights, or assuming jurisdiction to determine such a question; but all can see that it is only executing the Constitution by imposing upon its creature government what the Constitution has enjoined upon Congress itself. Thus, Sir, when the object is to carry out the Missouri compromise north of 36:30, no question is made about the right of Congress over the territory; but when we come to the line of 36:30, and the South demands the benefit of that compromise, it is discovered that Congress has no authority to interfere in such matters. *Non-intervention" is the patriotic maxim.* There is authority to secure all immunities but ours.—The people of the territories must not be interfered with. It would be contrary to the Declaration of Independence—violative of the maxim of self-government. Sir, the territorial council may intervene to destroy us, but our Government and our own Constitution cannot intervene to protect us! The people of the South will have these matters explained.—No internal and protective intervention from our Government and Constitution, to which we have ever been true and faithful! But do, gentlemen deprecate all intervention! No, sir, no! They invoke the intervention of a motley crew of Mexicans, Mormons, adventurers and trespassers upon the public domain. These inhabitants have been wickedly taught that they have rights paramount to those of the United States, and among them the right to exclude slaveholders. Should a slaveholder presume to enter the territory, it would be regarded as in derogation of the rights of the inhabitants, and the opinions of distinguished characters in the United States would be referred to, to prove it. What slaveholder, therefore, could ever penetrate the country, without the certainty of encountering a motley mob, enraged at the idea that some sacred right of theirs was encroached upon."

Extract from Mr. Calhoun's late address, in reply to Col. Benton.

"Such is clearly the character and power of the general government, and of the authority and power conferred on it. Its power and authority having for its object the more perfect protection and promotion of the safety and rights of each and all, *it is bound to protect by their united power, the safety, the rights, the property, and the interests of the citizens of all, wherever its authority extends. That was the object for conferring whatever power and authority it has, and if it fails to fulfill that, it fails to perform the duty for which it was created. It is enough for it to know that it is the right, interest, or property of a citizen of one of the States, to make it its duty to protect it wheneever, it comes within the sphere of its authority: whether in the territories, or on the high seas, or any where else. Its power and authority were conferred on it, not to establish or abolish property, or rights of any description, but to protect them.* To establish or abolish belongs to the States, in their separate sovereign capacity—the capacity in which they created both the general and their separate State governments. It would be, then, a total and gross perversion of its power and authority to use them to establish or abolish slavery or any other property of the citizens of the U. States in the territories. All the power it has, in that respect, is to recognize as property there, whatever is recognized as such by the authority of the States, (its own being but the united authority of each and all of the States) *and to adopt such laws for its regulation and protection as the state of the case may require.*"

This portion of our Democratic Text-Book is concluded by some extracts from the Houston Patriot of Sept. 12th, 1849. This paper gives a review of Mr. Featherston's Speech at Houston on the 3d of September, during the present canvass. Speaking of the position assumed upon this question, it thus regards him:

Mr. Featherston's position according to the Houston Patriot.

"He denies that Congress has the right to pass the Wilmot Proviso—that we under the Constitution have a right to emigrate there with our property; and it follows as a matter of course, that we are to be protected *by the laws of that country.* The Supreme Court has decided that slaves are property—all property is protected by the Constitution, and may and should be protected by legislation, just as our land and stock are protected."

The article immediately succeeding this report of Mr. Featherston's positions, thus quotes and comments upon those of his opponent:

"Congress should pass a law to protect the slave-holder in the enjoyment of his property; and the doctrine of non-intervention, as manifested by the democratic party will result in practical abolitionism.—*Wm. L. Harris.*'

"After sifting the *high falutin* oratory (to use the Republican's own significant term) of Col. Harris, the above propositions embrace the premises upon which he bases his argument. *It is the most insidious and dangerous doctrine ever inculcated by a Southern man upon a Southern constituency.*—Dangerous for reasons which we will proceed to show, and insidious, because it is clothed in the siren song of protection—a song, fraught with ruin and destruction to the great principles of constitutional equality and right for which the South has been contending.

"We call upon all true Southern men to investigate the position occupied by Col. Harris; what it is, whose it is, and where it will inevitably lead us. * * It is a doctrine which if established to be correct, sweeps from us every constitutional ground of resistance to the encroachments of the North, upon our rights, and leaves us the humble suppliants of an unscrupulous and despotic majority."

Entertaining these sentiments of entire hostility to any action of Congress tending to protect the slave-holder in his rights of property, the Houston Patriot yet lauds Mr. Featherston, and supports him as the true Southern champion. How then is it possible to suppose, that Mr. F. really holds to the doctrine of the right of the slave-holder to be protected in his property by Congress? If he at any time appears to advocate this doctrine, does he not act in opposition to his party—to the men who nominated him—and the press which advocates his election? And what is the protection that the laws of the territory would afford! According to the Patriot, the protection of the slave-holder's rights rests in the discretion of those by whom "the laws of that country" are to be passed! What protection would that be to your rights, Mississippians!

"Such protection as vultures give to lambs,
Covering and devouring them."

4th.

The betrayal and abandonment of the South by the Democratic leaders further illustrated in the case of the passage and approval of the Wilmot-Proviso Oregon Bill.

The Oregon Territorial Bill, with the Wilmot Proviso attached, passed the House of Representatives February 3d, 1-14, by 110 yeas to 59 nays. Amongst the former stand the names of 47 SOUTHERN DEMOCRATS, of whom 3 were from Mississippi.

On January 16th, 1-47, a similar Bill, containing the Wilmot Proviso again passed the House by a vote of 134 yeas to 85 nays. Of the yeas 79 were DEMOCRATS—23 OF THEM SOUTHERN DEMOCRATS—JACOB THOMPSON of Mississippi, among the number. (See Congressional Globe, 2d Sess. 29th Congress, page 198.) This is the particular measure which the semi-weekly Union, July 31st, 1-49, itself styles "AN ABOLITION PROPOSITION," and which it parades as one of the proofs of the abolitionism of Jacob Collamer and Truman Smith! The day previous to this, the Missouri Compromise had been rejected in the House by a vote of 82 to 113—*a majority of the latter being Democrats!* In both of these cases the bill failed in the Senate, but on the 13th of August, 1-48, it was

more successful. Having passed the House by a large majority, with a section in it legalizing this odious Wilmot Proviso, the Senate on that day receded from an amendment they had previously made, and thereby allowed it to pass in its original form, as adopted in the House. The vote stood in the Senate, ayes, 29, noes 25—*of the 29 ayes, 13 were Democrats, of whom 2 were* SOUTHERN DEMOCRATS! [Houston and Benton.] Without their votes, the bills could not have passed. This bill was signed and approved by President Polk, and became the law of the land—its constitutionality and expediency thus attested by the highest Democratic authority!

Democratic leaders attempt to justify the passage and approval of this bill, on the ground that it was in compliance with the Missouri Compromise. To show the utter fallacy of this defence, it need only be stated that on August 14th, 1848—the day before the passage of the bill—the House of Representatives, by a vote of 121 to 82, again rejected this Compromise, and refused to be bound by its provisions, or to base legislation on them! The Missouri Compromise is to be justified as a virtual division of *true property* between the two great sections of our Union, for whose united benefit the trust was made; they disagreeing on the terms of its joint occupancy. A Compromise loses its character, when rejected and disavowed by either party; adherence to its terms by one party, after such rejection by the other, becomes submission. The North having rejected it, the approval of the bill was a virtual giving up to the North all it claimed above 36, 30, while it still allowed them to contend on even better terms for their entire claim South of that line. The grounds of its being a Compromise having been swept away, its passage and signature were a solemn attestation on the part of democratic leaders to the expediency and constitutionality of the principle.

The approval of the bill was part of the 'domestic policy' of President Polk, and as such has been directly and pointedly approved by Democratic Conventions without number. The Greensboro' Convention, which nominated Mr. Featherston, gave to his administration a sweeping, unqualified approval. The signature was also lost fall defended by Mr. Featherston himself before the people at Columbus. We quote from a report of his speech, as it appears in the

Columbus Democrat of September 2d, 1848.

"He (President Polk) deemed it a wise conciliatory policy to adhere in good faith to this compromise, for it is a well known fact to all parties—*that slavery never could and never would exist in that cold and ice-bound region.* The proviso in this bill then was a mere nullity and had no practical effect."

Now as by all Democratic testimony, the Territories of New Mexico are inhibited for slavery—"it being morally impossible" (according to Cass, Buchanan &c.) for slavery to exist there—"the laws of nature and the feelings of the inhabitants preventing it"—would not such a course of approval of Polk's signature, and such a line of defence for it, also justify the application of the proviso to the recent acquisitions? But Mr. Featherston further defends Mr. Polk, by saying that slavery was already abolished in Oregon by virtue of the Missouri Compromise. How can this be if the proviso is unconstitutional? Is a null and void act so all-powerful? *He has publicly admitted that "Constitutional questions were not subjects of compromise, and that if the Wilmot proviso was Constitutional north of 36, 30, it was Constitutional south of that line."* Under this position, there is no escaping the conclusion, that the approval of Mr. Polk cannot be justified without a direct admission of the Constitutionality of the proviso.

But the Oregon Bill was not passed to carry out the Wilmot proviso. It had a far different object. To show this we will adduce the testimony of both Mr. Calhoun and Mr. Benton. There is a perfect unanimity of sentiment on this subject, between the Missouri Free-soiler and the Carolina Senator.

From Mr. Calhoun's late letter in reply to Col. Benton.

"Very different was the case in reference to the Oregon bill. There the North contended for the absolute right to exclude slavery from all the territories, and announced their determination to do so against the efforts of the South to compromise the question by extending the Missouri compromise line to the Pacific ocean. The offer was scornfully refused, and the bill passed without any compromise. It was intended indeed to be the practical assertion of the naked principle that Congress had the power claimed for it by the Wilmot proviso. It was the first act of the kind ever passed, and was carried by the desertion from your cause of Col. Benton and Gen Houston."

"I maintain, on the contrary, that such power never was exercised by Congress until he and his associates passed the Oregon territorial bill. That was the first bill containing the Wilmot proviso that ever passed, as has been stated—passed solely to assert the absolute right of doing as it pleases."

From a late speech, by Col. Benton in Missouri.

"Col. Benton maintained that he introduced the amendment into the Oregon Bill and passed it with the Wilmot Proviso attached, and *that it was done to assert the unlimited power of Congress over Slavery in the Territories* and that as a naked, absolute, unconditional exercise of the unlimited power of Congress over the whole subject, the Oregon Bill, with the anti-Slavery cause, received the approving signature of President Polk, *with the sanction of his whole Cabinet.*"

The following is the indignant language of a Mississippi Senator in reference to this same Oregon Bill. Jefferson Davis thus stamped it as an "ABOLITION" measure.

From Jefferson Davis' speech in the Senate, July 12, 1848.

"*To pass the bill before us without amendment would be abolition of slavery by the Federal Government.*" "*Now for the first time in our history, has Congress, without the color of compact or compromise, claimed to discriminate in the settlement of Territories* against the citizens of one portion of the Union and in favor of another." "*Here upon the threshold we must resist, or forever abandon the claim to equality of right,* and consent to be a marked caste, doomed, in the progress of national growth, to be dwarfed into helplessness and political dependence."

To crown this testimony, recall the triumphant language of that arch-leader of democratic free-soilers, MARTIN VAN BUREN. See how he glories in the idea, that a slave-holding President, (James K. Polk,) aided by a slave-holding cabinet, has given to this Wilmot-proviso restriction "the highest sanction known to our institutions!" See how he rejoices that a democratic President never even noticed in the slightest way, the Constitutional objection on which the South base their opposition to the measure!

From Mr. Van Buren's letter, accepting the Buffalo nomination for the Presidency, Aug. 22, 1848.

"To bring the matter nearer to our own times, within a few days a bill containing this restriction, has passed both branches of the National Legislature, *and received the constitutional approval of the present Executive—an approval which it was his sworn duty to withhold if he had not been satisfied that all the provisions of the bill were in conformity to the Constitution.* The present President also a slaveholder, elected from a slaveholding State, with a large portion of his cabinet in the same situation, has given the highest sanction to the doctrine we contend for that is known to our institutions; and although he felt himself called upon to make an extra message, setting forth his reasons for believing that the restriction ought not to be applied to our Mexican territories, he does not take the slightest notice of the constitutional objection on which so many southern States had based their opposition to the general measure. This branch of the subject has been thus forever disposed of."

We have done. With the people rests the approval or disapproval of the policy adopted by the democratic leaders with reference to the subject of slavery and the rights of the South. It is for them to say, whether they will be content with this miserable doctrine of NON-INTERVENTION, and be bound by party fetters, until their entire exclusion from the soil of New Mexico and California shall have been accomplished, or whether they will reject it, its authors and advocates.